

**FRANK & ASSOCIATES, P.C.**

ATTORNEYS AT LAW

500 Bi-County Boulevard, Suite 112N • Farmingdale, New York 11735

Tel: (631) 756-0400 • Fax: (631) 756-0547

E-Mail: nfrank@laborlaws.com

Neil M. Frank

December 2, 2009

**VIA ECF**

Honorable E. Thomas Boyle  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

**Re: *Thelma Higueros v. New York State Catholic Health Plan, Inc.*  
*d/b/a Fidelis Care, Inc., 07 CV 0418***

Dear Judge Boyle:

This firm represents the Plaintiffs in the above-referenced collective/class action. As Your Honor may recall, jury selection in the trial of class representative Thelma Higueros' individual retaliation claim under Labor Law §215 was to begin December 14, 2009. In anticipation of that trial, the parties focused their resources in recent weeks on achieving a non-judicial resolution of the retaliation claim. Toward that end, the parties selected and retained a mediator, participated in a mediation that resulted in settlement, and filed a Stipulation of Discontinuance with Prejudice as to the retaliation claim today.

In light of the foregoing, the parties agreed to a revised Joint Proposed Schedule for Expert Discovery, which we respectfully submit herewith for the Court's approval.

*Respectfully submitted,*

**FRANK & ASSOCIATES, P.C.**



Peter A. Romero

cc: Jennifer F. DiMarco, Esq.